

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii 96813  
September 26, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

KAUAI

Grant of Perpetual, Non-Exclusive Easement to The County of Kauai, Parks and Recreation Department, for access and maintenance of County of Kauai, Park Facilities, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-06: 01.

APPLICANTS:

County of Kauai, Parks and Recreation Department, whose mailing address is 4444 Rice Street, Lihue, Kauai, Hawaii, 96766.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of the State, DLNR, Division of Boating and Ocean Recreation's (DBOR) Waikaea Boat Ramp, situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-06: 01, as shown on the attached map labeled Exhibit A (Easement M-1).

AREA:

.08 acres, more or less to County of Kauai, shown on EXHIBIT A.

ZONING:

State Land Use District: Urban  
County of Kauai CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Portion of DBOR Waikaea Ramp facility

CHARACTER OF USE:

For access, right, privilege and authority to construct, use, maintain and repair a right-of-way over, State Land for maintenance of landscape improvements, bike-way and pedestrian path.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Subject to review and approval by the Chairperson.

TERM:

Perpetuity

ANNUAL RENT:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC Environmental Notice in August of 2003 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

None required for Government Agency.

APPLICANT REQUIREMENTS:

- 1) Pay for an appraisal to determine initial rent/one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.
- 3) Process and obtain subdivision at Applicant's own cost.
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

The County of Kauai is in the process of finishing the new improvements at Lihi County Park, with the completion of a new restroom facility, landscaping, bike-way and pedestrian path (path). The majority of the improvements on County property are neighboring the State Division of Boating and Ocean Recreation's (DBOR) Waikaea Boat Ramp Facility.

The Lihi Park improvements are part of a design/build project including the path, which has slightly encroached into a portion of State land of the DBOR facility. This encroachment was missed during the design reviews of the project. The County's request to be granted a non-exclusive easement will be used for access, landscaping, irrigation and maintenance of the County improvements. The County improvements shall allow both the boaters and park users to access the restrooms by way of the path over the canal.


RECOMMENDATION:

That the Board:

Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to The County of Kauai, covering the subject area for access, landscaping and maintenance purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
2. The perpetual easement shall inure to the benefit of the real property described as Tax Map Key: (4) 4-5-06: 01
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

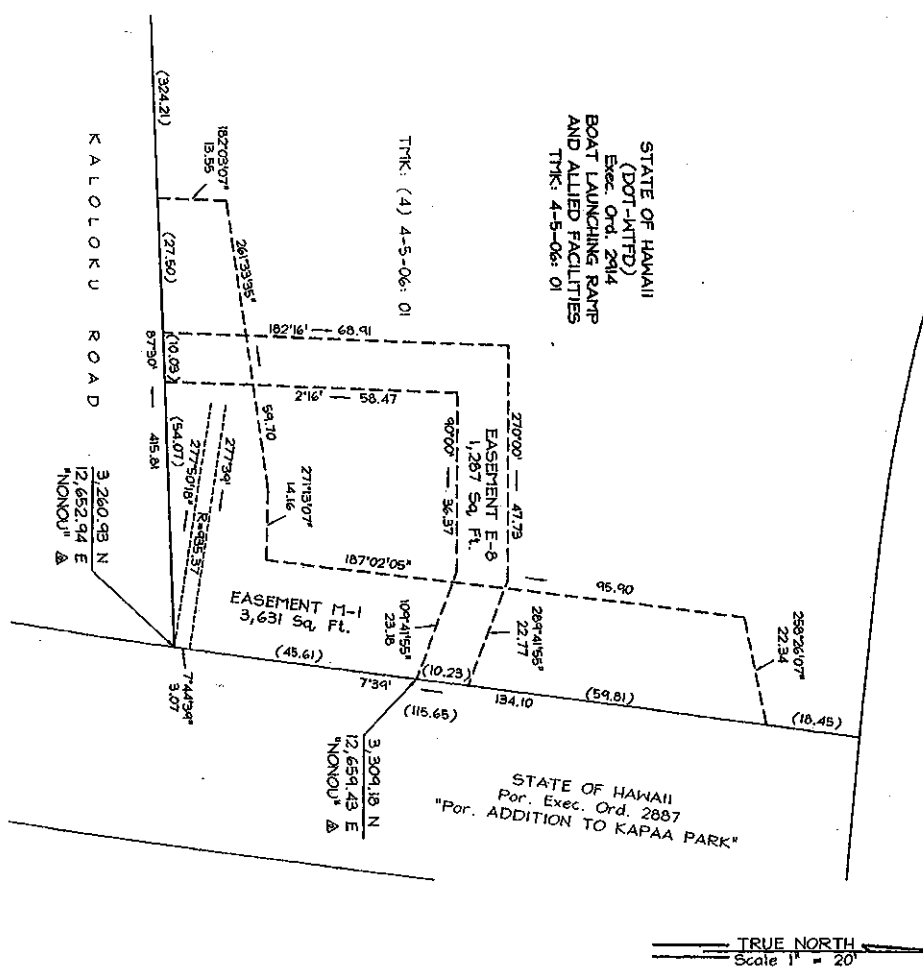
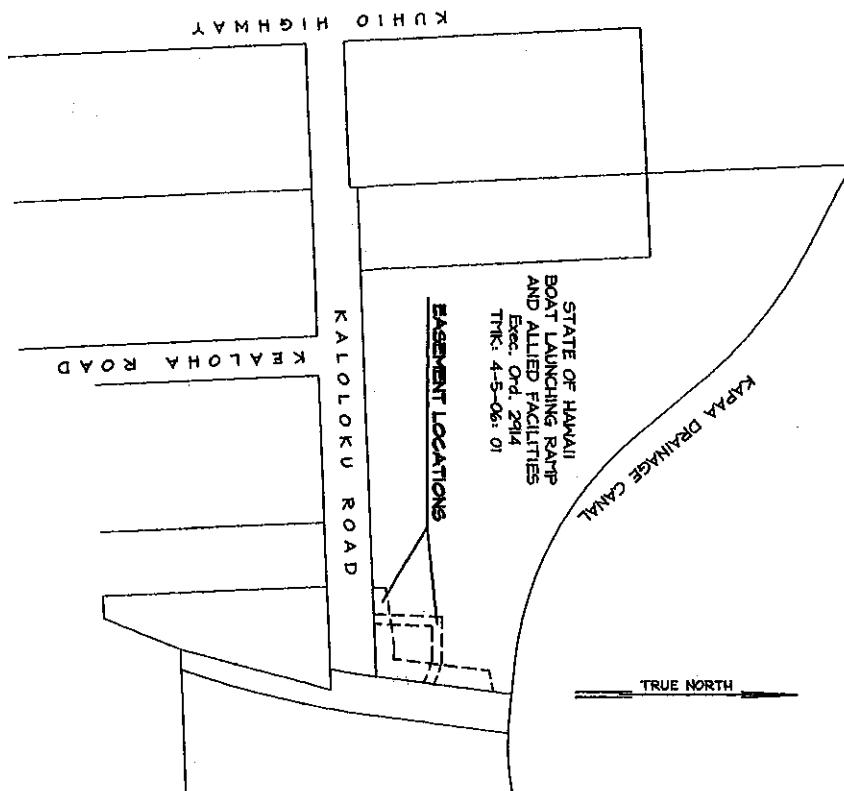
Respectfully Submitted,

  
Edward R. Underwood

APPROVED FOR SUBMITTAL:

  
Laura H. Thielen, Chairperson

### Vicinity Map



THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION



Signature  
ES&M SURVEYING & MAPPING, INC.  
EXPIRES: APRIL 30, 2008

## ENLARGEMENT

DESIGNATION OF EASEMENT E-2-  
AND EASEMENT M-1  
BEING PORTION OF  
STATE OF HAWAII  
BOAT LAUNCHING RAMP  
AND ALLIED FACILITIES SITE  
Executive Order 2914  
KAPAA, KAWAHUHU, KAUAI, HAWAII  
TRK: (4) 4-5-06: 01  
Prepared For: Aikimo and Assoc.  
Date: February 26, 2006